1889-90
(L.R.)

File No. 33-89
Serial No. 1-11

Sub:- Petition of Venkategowda of Kistur village Gudatore Taluk for the Patelship of the said village

(160)

KR 197-92

G. R. S. IX-5]

Previous references. 1889-90

192 .

(L. R.)

Later references.

File No. 33-89

Serial Nos. 1-11

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-11

In ~~Part~~ B for December 1889

SUBJECT.

Petition of Venkategowda, of Kester Village, Yedatore taluk, for the Patelship of the said Village.

The Deputy Commissioner, Mysore District,

No 7224/452. Dt. 20/24.12.89 LR.

Stating that the appeal of the petitioner is dismissed. And if it be found necessary to appoint a Peperate patel to the hamlet Koppalu on the grounds of administrative Convenience, Petitioner's Claim must be Considered.

WD 233—GPL—20,000—14-6-20

Continued

Indexed

Translation of the Yadatore Taluk Amildar's Memo No. 7 dated 13-9-88.

Plaintiffs

Chennegowda, son of Paravathay Gowda, residing at Kesthoor.

Defendants

1. Chennegowda son of Venkate Gowda residing at Kesthoor.

2. Mallegowda son of Nanjegowd residing — do —

As the 1st defendant died lately the following are the supplemental defendants: —

1. Hallegowda.
2. Venkate Gowda.

The plaintiff's father, Paravathay Gowda, who was the Patel of Kesthoor & its Dakhale village of Kotipal, died about 13 or 14 years ago. As the plaintiff who was adopted by Paravathay Gowda was then a minor, the 2nd defendant, Malle-Gowda, was appointed to act as Patel with the consent of Basamma, widow of Paravathay Gowda. According to the orders issued by the Dist. authorities about the year 1876-77, it was decided that Mallegowda the 2nd defendant should do the Patel work of Kesthoor and that Chennegowda, the 1st

the 1st defendant should do that of Hospal till the plaintiff becomes qualified for the office. As the minority of the plaintiff was over about the year 1886 he requested through a petition that orders might be issued to him to do the duties of the Patel office. As it was ordered therefrom that a regular suit should be filed on the subject, he has done it accordingly.

2. The 1st defendant says that Saravathay Gowda the adoptive father of the plaintiff, was doing the Patel work of both the villages of Hesthvor & Hospal, that he died about 16 years ago, that afterwards he officiated as Patel of both the villages for 3 or 4 years, that the Patelship of Hospal was confirmed to him afterwards, that the Patelship of Hesthvor was given to the 2nd defendant, that about 2 or 3 months ago he was appointed as Patel of Hesthvor in lieu of the 2nd defendant and that he would not relinquish the claim which he has over both the villages. The 2nd defendant says that Saravathay Gowda died about 15 or 16 years ago, that he did the Patel duties of both the villages for one year during the minority of Ramanyengar that, as it was found that the Patel work of both the villages could not be conveniently managed by him, the said Amildar ordered that he should do the Patel duties of Hesthvor and

and conducted those of Hospital with the help of the 1st defendant but they were doing their respective duties independently, that is, he (2nd defendant) was doing the Patel work of Thesthvor and the 1st defendant that of Hospital that, as the plaintiff is the claimant for the Patelship of both the villages, it should be given to him only and that he has no objection to the same.

3. As the 2nd defendant had no objection to give the Patelship in question to the plaintiff the following two issues were framed:—

1. How and in what manner did the 1st defendant get the Patelship of Thesthvor and what is the extent of this claim and to what extent does the claim of the plaintiff stand for it?

2. To what extent does the claim of the 1st defendant stand for the Patelship of Hospal and what is the extent of the claim of the plaintiff for it?

4. In the meantime, as the 1st defendant, Channegowda, was seriously ill, he executed a Power of attorney in favor of his son, Venkategowda (the supplemental 2nd defendant) who then executed a Power of attorney in favor of one Hirramiah, a pleader. While the matters stood thus Channegowda the 1st defendant died and consequently his eldest son, Kallegowda, was taken as the supplemental 1st defendant and his 2nd son, Venkategowda as the supplemental

2nd defendant. Kallègowda, the supplemental 2nd defendant, deposed that he had no experience whatever in the affair, that his younger brother, Venkatègowda, knew all the affairs well, that he would consent to any decision which his said brother would wish to have, that he did not want this Patelship, and that it should be given to him only. On 25-6-88, Kallègowda has also produced a written statement. The supplemental 2nd defendant Venkatègowda says that the Govt. authorities appointed his father as the Patel of Hospal about 10 or 18 years ago, that about 6 months ago an order was issued to the effect that he ~~alone~~ should do the Patel work of Kesthoor village also and that therefore the Patelship in question should be given to him.

5. Four witnesses on behalf of the plaintiff, viz, (1) Dodda Merrigowda, (2) Siddègowda, (3) Kallègowda, and (4) Boralingègowda were examined and the following exhibits were filed: —

A. An extract of Baraballuti Register of 1863-64.

B. An English certificate dated 6th April 1868 given to Paravathay gowda by a certain gentleman to the effect that Paravathay Gowda has supplied him carefully with the requisite things.

C. A Takid No. 321 of 1869 issued from the Gedatore Taluk office to Paravathay Gowda.

D. A copy of deposition given by the 1st defendant, Chennegowda on 7-12-86.

E. An endorsement dated 22nd Feby/88 granted by the Dy Commr Mysore Dt to the plaintiff to the effect that a regular suit may be filed

F. A Takid No 91 dated 31st Jany/62 issued from the Taluk office to the Shekdar of Maravathoor Hobli to the effect that Paravatha Gowda of Westhoor should do the Patel work of and Tosepal, &c.

G. Huksam No 895 of 1888 & its accompanying papers shewing that the plaintiff may file a regular suit.

H. A deed of adoption shewing that Paravathay Gowda has adopted the plaintiff in 1871.

5. Two witnesses on behalf of the supplemental 2nd defendant viz, (1) Doddiah and (2) Bommegowda, were examined and the following available records were filed: ———

1. An extract of the Jarabanti Register of 1853-54 and of the Patel Register of Westhoor,

2. An extract of the Byadarahalli Hobli Shekdar's report No 131 dated 17th Augt/72 shewing that Patel Paravathay Gowda died on the 14th Idem.

3. The Amildar's report addressed to the Dy Commr to the effect that Channegowda, the 1st defendant, may act as Patel in lieu of Paravathay Gowda deceased and that the name of the 2nd defendant may be registered. The order which was passed thereon. The Amildar's report shewing that Mallegowda is qualified for the office and the order issued thereon to the effect that sanction is accorded and other correspondence on the subject.

4. An extract of Muksam No 106 of 1875-76 issued from the Dy commr to the effect that sanction is accorded to the appointment of Channegowda as Patel to the Yakkhale village and Mallegowda to that of the Asale

5. Yakid dated 18th Sept 75 issued by the Shekdar of the Byadarahalli Hobli to Channegowda to the effect that he may do the Patel duties of Hospal.

7. The witnesses for the plaintiff say that Paravathay Gowda, father of the plaintiff did the Patel duties of Kesthoor and Hospal for a long time & then died, that afterwards the 2nd defendant ~~also~~ did the same for some time and that the 1st defendant has been doing the Patel duties of Hospal for the last 8 or 9 years.

The witnesses for the supplemental 2nd defendant say that Paravathay Gowda died about 18 years ago, and that subsequently

Channègowda was doing the Patel duties of Hospal.

As these people give only an approximate date or time and as some of the exhibits produced by them seem to be reliable, it would be proper to decide the case on the merits of such exhibits.

8. The plaintiff's father was the real Patel long before Channègowda, (the 1st defendant & father of the supplemental 2nd defendant) was appointed Patel of Hospal and this fact has been proved by the allegation of the said defendant as well as by the extract of register of 1864-65 produced by the plaintiff and the deposition given by Channègowda, (the defendant) in 1886. The fact that the plaintiff was adopted by Paravathay Gowda has been admitted by him (defendant) in his present allegation & in the deposition of 1886. From the paper marked 25 it appears that Paravathay Gowda died on the 24th August 1871. Afterwards correspondence took place between the Taluk and the District authorities and the death of Paravathay Gowda was reported to the Dy Commr by the Amildar in his Stella No. 143 dated 24th May 1872. On this, the Dy Commr directed [redacted] his Hukam

Hukam No. 85 dated 27-5-72 that the name of Mallanna, the 2nd defendant herein (younger brother's son) of Parvathay Gowda should be registered and that till he would become qualified for the office, the duties should be conducted by Channegowda, the 1st defendant as an acting incumbent. From the paper marked 26 it would appear that he conducted the duties accordingly that in 1874 it was reported that the 2nd defendant was qualified for the office, that in July/74 Hukam No. 160 was issued to the effect that the work should be taken from him and that he was doing the duties accordingly. The paper marked 65 would show that the 1st defendant conducted the duties of the Patel office as an acting incumbent for 2 years, that as he did not do the duties properly it was found necessary that there should be separate Patels for Kesthoor & Hospal, that the Amildar in his report No. 781 reported that the 1st defendant should be appointed as the Patel of Hospal and that Hukam No. 106 dated 11th May/75 was received to the effect that sanction was accorded to the appointment of the 1st defendant as Patel of Hospal and the 2nd defendant as that of Kesthoor. But the supplemental 2nd defendant denied that the original correspondence on this subject should be filed in the

the proceedings. This correspondence was not found.

9. The aforesaid records shew that in 1875 sanction was accorded to the appointment of the 1st defendant as Patel of Hospal alone and that he was not appointed as Patel of Kesthoor. Therefore he (Amildar) is entirely of opinion that the 1st issue stands for decision in favor of the plaintiff only.

10. As regards the 2nd issue relating to the Patelship of Hospal, the supplemental 2nd defendant has requested that the Jaraba-lauti Register containing the entry from the year 1830 should be sent for. The Taluk Record Keeper deposed that such Register was not found and that the Register prepared in 1853-54 had been produced. In the extract of the Register marked No. 24 the names of Paravathay Gowda and Thimari Gowda have been entered as Patels of Kesthoor. The supplemental 2nd defendant desired that this (extract) should be produced. From this as well as from the papers Nos. 1, 2 and 3 produced by Doddiah, the 1st witness on behalf of the supplemental 2nd defendant, it appears that both of them have made a resolution to

whatever as to the fact that Paravathay Gowda, father of the plaintiff, conducted the Patel office for about 20 years from the year Paridhavi (1852-53) upto the year 1871. From the papers No. 26 of the Amildar's report No. 143 and the deed of adoption ~~No.~~ marked as No. 35 which was produced by the plaintiff, it would appear that he (plaintiff) was a minor when Paravathay Gowda died. From the Amildar's report above referred to it would also appear that when the plaintiff was a minor, his name was omitted in the Pharavard and that of the 2nd defendant was entered in it as told by the plaintiff's mother. While the Amildar is a minor, it does not seem fair to him (Amildar) that his name should be omitted in the Pharavard as told by ~~his~~ his mother.

12. The depositions of the pleaders on behalf of the supplemental 2nd defendant and of the 2nd witness on behalf of the plaintiff shew that the plaintiff is aged more than 23 years. It was pleaded that ~~limitation~~ the case was barred by limitation, as the plaintiff failed to file a regular suit within 3 years after he attained his majority. As the document marked No. 36 (which was produced by the plaintiff) and

the (Amil's) report that Sakkids and other records shewing that Puttaiya had held the Patel office were produced. These references are not forth-coming in the file of papers. It is also stated in the report that these are the references available in the Taluk Records to shew that Chick Puttaiya had held the office. In the papers Nos. 1, 2 and 3 produced by Doddiah the 1st witness, it is stated that they are the Chits and Hukums issued to Puttaiya of Kesthoor from the Taluk office and that the word 'Patel' is not mentioned in them. In the paper No. 1 it is stated that he should procure ryots and in No 2 that he should see the a certain Takavi. Though the paper No. 3 is not complete in itself, yet it is stated in it that he should supply grass &c. to certain Silledar Horse and that, as the Shekdar was sick, it was addressed to him. If this circumstance and the paper No. 26, that is, the Amil's report No. 143, were taken into consideration, he (Amil) is of opinion that Puttaiya may have been a Patel and that he is not sure of it. If this Puttaiya had not been a Patel, he should have been a respectable man of the place.

11. There appears to be no doubt whatever

to the effect that they should deny the Patel
hucks to Paravathay Gowda. But neither
the 1st defendant nor the supplemental
2nd defendant argues accordingly. It
appears from the paper No. 57 produced
by the plaintiff, that on an application
made by Thikeri Gowda for the Patelship
of Hospal, the Dist authorities decided
it in favor of Paravathay Gowda (but
not in favor of Thikeri Gowda). Doddiah
the 1st witness on behalf of the supplemental
2nd defendant, deposed that his father,
Puttaiya, conducted the Patel duties of
both the villages for about 20 years, that
he then resigned the office, that Parvathay
Gowda was appointed Patel afterwards
and that he produced the above mentioned
3 Tabdis Nos. 1, 2 and 3 issued in the name
of his father. From the paper No. 26, that is,
the Taluk Amildar's report No. 143, it would
appear that this Patel office was conferred
on Paravathay Gowda, subsequent to the
year Pavidhavi (1852-53), that Chick
Puttaiya had held it prior to that time,
that his (Chick Puttaiya's) son Ramkristiah
did not only consent to the appointment of
the 1st defendant to the Patel office but
also affixed his signature to the Mahazar
Prod 6 (a) to that effect. It is stated in the

and the paper No. 26 or the Amil's report No. 143 shew that the plaintiffs was borne about the years 1867, he filed a regular suit within 3 years after he attained his majority and the case was not barred by limitation.

13. It is stated in the paper No. 65 that Hospal is larger and more propulous than Kesthoor. Even now Hospal is larger than Kesthoor. It is necessary that there should be a separate Patel there for Police and many other revenue works. Under the recent orders in force, there should be one Patel for a village and if he is in charge of several villages, other competent Patels should be appointed on his behalf. Accordingly a Patel was appointed to Hospal. As the father of the supplemental 2nd defendant was doing the Patel duties of Hospal since 1872, it seems proper that till a qualified man can be found in the family of the plaintiffs, the supplemental 2nd defendant only may do the Patel duties of Hospal.

14. As the 2nd defendant deposed that plainly he had no claim whatever to the Patelship of Kesthoor and that he had objection

to the plaintiff's doing the duties of that village, he (plaintiff) may do the duties thereof.

6. V.

Translation of appeal petition No. 1116 dated 23rd Augt. 89 from Venkate Gowda, son of Patel Chenne Gowda, residing at Kesthoor, Byadarahalli Holeli, Yedatore Taluk.

Appellant:	Respondant:
The said Venkate Gowda (original defendant).	Chenne Gowda, son of the late Patel Sara-vathay Gowda. (original plaintiff).

The aforesaid appellant appeals to this office against the decision of the Dy Commr of the Mysore Distt, made in Revenue Suit No. 17 of 1887-88 on the following grounds:

1. The decision of the Lower court to the effect that the deceased Chenne Gowda, father of the appellant, was a temporary Patel of the Dakkale villages of Kesthoor is wrong.

2. The procedure of the Lower court of having rejected the Review petition of the appellant and the evidences produced therewith without taking the same into consideration is also wrong. The reasons assigned by the said court for rejecting the same are not satisfactory.

The

3. The Lower court is wrong (16) in having thrown out the appellant's father who was Patel for a long time, without taking into consideration the order issued by the Dist authorities on the 18th Augt 1875 (in favor of the appellant's father) and the records connected therewith.

4. The Lower court has erred in saying that the plaintiff's suit is not barred by limitation.

5. The appellant did not find convenience to produce his documentary evidences at the time of investigation. The Lower court paid no attention to the event viz, that the appellant's father died ~~prior to the investigation of the case~~ during the investigation of the case & long before it was closed.

6. It is unfair on the part of the Lower court to do such favor to the plaintiff as he has not asked in his plaint that is, the Lower court has erred in appointing the plaintiff as Patel of the two villages of Kesuvanahalli and Savadanahalli though he had no claim whatever for the same & though he has not asked for the Patelship of these two villages in his plaint, and in depriving the defendant of his claim for the said two villages.

7. The respondent has not established his case ~~substantiated~~ by evidences and the Lower court did not take into its consideration the point of his being barred to file a suit on the subject legally.

8. The appellants father had carefully done the duties of the Patel office for about 18 or 19 years without receiving any pay or remuneration. It is quite unfair to throw him out of the office at the time when remuneration was fixed for it.

9. On the complaint of the villagers regarding this Patel office, correspondence took place in 1875 between the Taluk Sub Division and Dist authorities and opinions were expressed by the then officers on the subject. These matters were not taken into consideration by the Lower Court.

10. The decision of the Lower court is against law, evidences and circumstances of the case.

Under the above grounds, prays that, on perusal of,

records connected with the cases orders may be issued to the effect that he is the claimant for the Patelé of the Dakhalé villages of Hospet, Hesuvanahalli and Savadanahalli, that he might do the Patel duties thereof, that the decision of the Lower Court should be declared null & void and that the costs incurred by him in all the courts should be paid to him.

C.V.

Translation of the plaint presented by Chennè Gowda, son of the late Patel Paravathay Gowda, residing at Kesthoor in the Byadarhalli Hobli of the Yedatorè Taluk, dated 3-3-88.

Plaintiff.	Defendants
The aforesaid Chennègowda.	1. Chennègowda, son of Venkatè Gowda of the above said village. 2. Mallègowda, son of Kanjègowda of the said village.

The plaintiff represents as follows:—

1. The Huckdar for the Patèli of the villages of Kesthoor and Koppal was Paravathay Gowda, the adoptive father of the plaintiff.

2. The said Paravathay Gowda died about 13 or 14 years ago. The plaintiff who was the claimant to perform his obsequies was then a minor.

3. With the consent of the widow of Paravathay Gowda by name Basamma the 2nd defendant Mallègowda did the duties of the Patèl office for one year as an acting person (Officiator).

4. Then, about the year 1876-77, it was according to the orders of the Dist authorities decided that Mallègowda should do the duties of the Patèl office of Kesthoor and Chennègowda those of Koppal, till the

the plaintiff becomes qualified for the same and that Sarawar should stand in his (plaintiff's) name. On these grounds the defendants conducted the duties of the Patel office.

5. The minority of the plaintiff was over about the year 1886. In Augt of the same year, he presented a petition to the Dist Office requesting that orders may be issued to him to do the duties of the Patel office above referred to. On this, an enquiry was instituted into the matter as directed by the Dy Comnr and the Amildar submitted him a report in favor of the plaintiff.

6. The said records remained undisposed of till the time of the Hangur Jamabandi, that is till Feby last when an order was issued to the effect that a regular suit should be filed on the subject and that till then the 1st defendant alone should do the duties of the both Patel offices.

7. The defendents have no claim whatever to the Patelship held by the plaintiff's family in hereditary succession. The case viz that the plaintiff, is the claimant for the same, can be proved by him by records and witnesses.

8. As the above said village of Hospal was the Dakhali village of Hesthwor both of them formed one & the same village. Formerly the plaintiff's father alone was the Sarawardar Patel & as two separate persons do the duties of the Patel office in question without giving it

Translation of the Yadatore Taluk Amil's order dated 18th Augt/75, issued to Chennigowda, residing at Kesthoor-Koppal of the Byaderahalli Hobli, Yadatore Taluk.

"There is only one Patel for the Asale village of Kesthoor and to the Dakhale village of Koppal. The villagers petitioned the Taluk authorities requesting that a separate Patel should be appointed to Koppal. While, on an investigation, the matter had been reported to the Dist. office, an order No. 106/213 was received from that office to the effect that sanction was accorded to the appointment of Mallegowda as Patel to the Asale village and you (Chennigowda) to that of the Dakhale village. Therefore, your name has been registered as Patel to the Dakhale village of Koppal attached to Kesthoor. You should conduct all the duties of the Patel office with care."

C.V.

Translation of the written statement of the defendants, dated 25-6-88.

Plaintiff

Chennègowda son of Parvathay Gowda, Patel of Kesthoor.

Defendants

1. Kallègowda
2. Venkategowda

} Sons of Chenné Gowda Patel of Kesthoor-Hospal

1. Parvathay Gowda, father of the plaintiff, died about the year 1870-71.
2. Their (defendants') father was not appointed as Patel according to the wish of the plaintiff's mother, Dasanamah.
3. On the ground that one Patel could not manage the Patel duties of Kesthoor and Hospal, — On the orders of the Dist. authorities, their father was appointed first as Patel of Hospal and then as that of Kesthoor also.
4. The Govt. authorities should be represented as defendants of this case
5. The age of the plaintiff is not 21. and she is aged much more.
6. This suit is learnedly
7. As their father Chenné G about a month ago, th

the 2nd defendant alone should be entered in the Award as Patel.

8. The costs incurred by the plaintiff should not be borne by the defendants and the plaintiff should bear their costs.

9. They (defdts) solemnly declare that the representations made by them in this statement are true as far as they know and believe.

6.7.

(41)

Appeal 1116 dated 23d aug 1889
[illegible]

Appt—
Veerkalegowda
son of
Cheennegowda
1st Defdt

Respdt
1 Cheenne
Gowda
Plff
Represented by
Advocate
D Sullivan

Petitioner appeals against
the order of the Deputy
dated 20th April 1889
dismissing the claim of
the Petitioner to the office of
Patail of the village of
Kesheve Kothalu
Hamlet of Kesheve ——
The facts of the case
are briefly as follows ——

In 1872, the Amildar
reported the death of
the Patail Parvategowda
leaving one adopted son of 5 years
(also son by daughter) - the
Respondent & a brother's son
named Timallanna.
Recommended the appt
of Virgowda as a
the father of the

The Dt Comr ordered
that Mallanna,
the brother's son of the deceased,
should be registered as
the Maravandar & that
appellant's father should be
registered as the Maravandar qualified
hereafter for the post. —
(27th May 1872 No 85 J. —
The brother son appears to
have been registered because
the widow of the deceased so
requested. —

In 1874 Mallagowda
— the Maravandar — claimed the
office stating that he was
qualified for the office
& therefore, & he was accordingly
ordered to be registered. —

In 1875, the Amildar
represented that Mallagowda
was unable to perform the
duties of the Principal village
of Kasturi, & of the hamlet
of Kophalu, & requested that
the appellant's father might be
appointed as Patel of
the hamlet of Kophalu. —
This recommendation was
approved by the Dt Comr.
6th May 1875 No 106

March
1876 Respdt
for the office

(4)

The only point that requires consideration is whether the Respondt can bring claim to the Office when the Appts father returned to undergo order of the Dist Court on grounds of administrative convenience. — On other point, the Court are of opinion that the Dist Court was not justified in having turned out a hereditary Holder & given the Office to a stranger without the special sanction of Govt, & such an appointment cannot be recognised as legal when a suit is brought by a hereditary claimant. — The decision of the Dist Court is therefore confirmed & the Appeal dismissed. —

Shaw & Mercer

33

Re. fresh [redacted]
necessary to separate & appoint a
Patwari in the
Kamlesh Kotwali
[redacted] & Sant L.
Singh on arrangement, when
Petitioner's claim in the
Office will be considered.—

13/12/89

Report.—

Petitioner is informed
that his appeal has
been dismissed. Should
it however hereafter be
found necessary to appoint
a separate Patwari in the
Kamlesh Kotwali on grounds of
administrative convenience
Petitioners claims will
be considered.

No: 1146

(1)

COURT FEE

20 — 8 — 89

FOUR RUPEES

L.R. 33-89

2.

3.

4

32 J/P.101

(General Serial No. 31.)

OFFICE OF ... DEWAN OF MYSORE
4609
13 SEP 89
535

1889

From.

The Dy Commissioner
Mysore

(3)

To The Chief Secretary to the Govt. of Mysore

Dated 10th September 1889.

Despatched

Received

Enclosures No. three files

General No. 432

No.

Official memorandum no 253, dated 27th ultimo, forwarding for submission proceedings, Petition of Venkatagowda son of Patel Channé Gowda of Kesturvillage Yedatoré Taluk.

I have the honor to submit the entire records in original case no 17 of 1888 and of review case no. 1 of 1889.

Dy Commr
Mys

Compd
W Elliott.

I herewith returned
Sec. J.

Sent to the Govt
12/9/89 Pk

LR 33-89-3

7329
20/9/89

From the Survey No 432 8/10-9-89 8/28-8-89

No. 255 — 36 — **Mysore Dewan's Office,**

PETITION DEPARTMENT.

LR 33-89-2

(2)

Official Memorandum.

The Accompanying Petition No. 1116, dated 23rd August/89 received at the Dewan's Office from Venkate Gowda, son of late Chenne Gowda of Kestur village, Nedatore Taluk

is forwarded, together with its three enclosures, to the Dy: Comm^r, Mysore D^t, for submission of the Proceedings.

BANGALORE,
27th August 1889.

Draft.

By Order,
Under Secretary.

Mysore Government, Central Press, Bangalore.—25-7-89.—1,000.

9/P.101

LA 33-89-4

(General Serial No. 31.)

1889 4

From

To The Hy Commissioner
Bijapur

Dated 20. 12. 89

Despatched

Received

Enclosures No. 1

General No. 7224
No. 452

From the Asst Commr Ly 2559 of 14-6-52

Dismissing the appeal
of Venkati Sunka for
the Patelship of Kotnur
Koppala.

To be sent to Mr Rajaram
vendor Revs.
26/12

B2
24-7-91

39

Before the Government of *His Highness* the Maharaja of Mysore

Appeal No. 1116 of 0723 Augt 1889

Appellant.	Respondent
Venkatagowda, son of Chenna Gowda and Patel of Kesturu Yedatore Taluk 1st Defendant.	Chenna Gowda Same Village Plaintiff Represented by L. Lubba Row

Dy 12 Dec 1889

Decision.

Petitioner appeals against the order of the Dy: Comm: dated 20 April 1889 disallowing the claim of the Petitioner to the Office of Patail of the village of Kesturu Kophalu hamlet of Kesturu.

The facts of the case are briefly as follows:-

In 1872, the Amildar reported the death of the Patail Parvate Gowda leaving an adopted son of 5 years old (also son by daughter), the respondent and a brother's son named Mullana, and recommended the appointment of a stranger, namely, the father of the Appellant.— The Deputy Commissioner ordered that Mullana, the brother's son of the deceased should be registered as the Baramardar and that appellant's father should be made to do the duties of the Office till the

the Barramakar qualified himself for the post (27 May 1872 p. 85) The brothers' son appears to have been registered because the widow of the deceased so requested.

In 1874 Mallegowda, the Baramakar, claimed the Office stating that he was qualified for the Office and he was accordingly ordered to do the duties.

In 1875 the Amildar represented that Mallegowda was unable to perform the duties of both the principal village Kesturu and of the hamlet Kophalu and requested that the appellants' father might be appointed as Patel of the hamlet Kophalu. This recommendation was approved by the Dy Commr. 16 May 1875 p. 106.

In march 1888 Respondent brought a suit for the Office and obtained a decree in his favor.

The appellants' contention before the Lower Courts was that as he was appointed by Govt. the Respondent can lay no claim to the Office and he further states that the suit is barred by the law of limitation and that the Respondents father was not the original Barkoor but some one else.

The

(4)

The Dy Comm^r disallowed the plea of Limitation on the ground that, according to the deed of adoption of June 1871, the Respondent was then only 3 years old, and that therefore the suit was brought within the time prescribed by Law -

The Appellant now contends that the deed of adoption is not genuine and that, according to the Amildars report of 1872, which was based on the Shirkdar's report of 1871, the Respondent was then (in 1871) 5 years old and if so, the suit was brought a year after the time allowed by Law.

The Government see no reason to distrust the deed of adoption. - Moreover, the Respondent advanced his claim so early as 1886, and he brought the suit in March 1888 only on his being told that he was required to bring a regular suit — The plea that the action is barred by the Law of Limitation cannot therefore be admitted. -

It is not also necessary to enquire whether Respondents' father was the real Huckwar or not.- It is admitted that Respondents' father was the former Potail of the Village and his name is registered in the Account of 1863-64 as the Huckwar.

The only point that requires consideration is whether the Respondent can lay claim to the Office when the appellants' father obtained it, under an order of the Dy: Commr on the grounds of administrative convenience -. On this point the Govt are of opinion that the Dy: Commr was not justified in having turned out a hereditary Officer and giving the Office to a stranger without the special sanction of Govt, and such an appointment cannot be recognized as legal when a suit is brought by a hereditary claimant.- The decision of the Deputy Commissioner is therefore confirmed, and this appeal dismissed.

Ahmed

(4)

Should it however be found necessary to appoint a separate Patail to the hamlet Kophalu, the Dy Commr will obtain the sanction of Govt to such an arrangement, when Petitioners claim to the Office will be considered.

By Order

No 2224/452 of 20-12-89
24.62 file of 1880

Asst Secy.

To the Dy Commr Mysore Dt
returning the original records
of the case re dealt with this No
4329 10-0 Septr 1889

To

The Rt Honble Lord Lyttelton

Dumfries

By Mr Dee[illegible]

457 LR 33-89-5

Appeal No. 1116 of 1889-

OFFICE OF THE DEWAN OF MYSORE,

17th Dec 1889.

24 5

(5)

Appellant.

Venkatagowda son of Channagowda and Patel of Kesturu Nidatora Taluk 1st Defendant

Respondent.

Channagowda Lame Village Plaintiff. Represented by S. Subba Row

Endorsement.

In reply to his Appeal Petition, dated 23 August 1889

Venkatagowda son of Channagowda

is informed that his appeal has been dis- not by the Hon'ble Dewan Sahib- -missed,- Though it, however he found necessary to appoint a separate Patail to the hamlet Kopthalu on the grounds of administrative con- venience, Petitioner's claims will be considered- The 3 enclos: are returned-

By Order:

Asst Secy.

47

(General Serial No. 300)

OFFICE OF THE
17 JUN. 92
DEWAN OF MYSORE.

1892 P. 3288
34

LA 33-89-6

From

The Dy Commissioner
Mysore Dist 6

To The Chief Secy to the Dewan
of Mysore

Dated 14th June 1892.

Despatched 14 do —

Received

Enclosures No. File

General No. 259
No

Submitting proceedings relating to the appointment of a separate Patel for the Koppalu attached to the Kasaba village, Yedatore Taluk,

The matter may eventually come up before Govt. in appeal. The Dy Com. may dispose of the case & leave the dissatisfied party to go in appeal against his order when Govt will be in a better position to dispose of the case on merits

Submitted to the Chief Secretary

Petition Branch
17.6.92

order

Govt have no objection to the arrangement proposed by the Dy Comr & it is accordingly sanctioned.

Venkatagowda must however understand that her appointment is for life & is not hereditary.

22/10/92

Petitions & Enquiries.
20/8/92 Such cases may be accorded to Dy Cs hearing the two villages as separate Patel charges. He may be left to nominate the men according to his determination subject to the final right to the nomination vested in Govt in the case.

22/8

131
18-6-92

(6)

No 259

Mysore Dy Commr's Office
Dated Mysore June 1892.

From,

A. Ranga Sawmi Iyengar Esquire
B.A. B.L
Deputy Commissioner

To,

The Chief Secretary to the
Dewan of Mysore

Sir,

I have the honor to submit herewith letter no 200 dated 29th November 1891, from the Second General Assistant Commissioner Mysore District, and the Cavarese Correspondence relating to the appointment of a separate Patail for the Koppalu (hamlet) attached to Kesthoor village Yedatore Taluk.

2. It would appear from the above that the Koppalu ranks higher in respect of Jemabandi population than the Asli village, as explained in the Assistant Commissioner's letter, and that the Patail of the Asli village cannot satisfactorily perform the duties of both the villages -

The Potagi amount of the two villages together, amount to Rs 80-4-", being Rs 50-4-" for the 2 villages and Rs 30-"-" for the kanta or wet-lands, and the amildar says that it would be sufficient to remunerate two seperate Patails. I think that it is very necessary to appoint a seperate Patail to the hamlet in question.

3. On further enquiry the amildar reports that the present Patail of the Asli village named Chennaya Gowda wants to become Patail of the hamlet instead of the Asli village, and requests that his brother Malle Gowda might be appointed for the latter. The hamlet is sure to rise further in importance and revenue, when the Kaval lands are converted into wet or given out for cultivation, and his request may be complied with. But as regards the appointment to the Asli village there appears to be a better claimant than his brother.

4. One Venkate Gowda had been Barawar Patail of the hamlet for upwards of 12 years; and when the present Patail was declared entitled to the appointment in preference to him, the latter had appealed to the Government who held, in appeal no 1116 of 23d August 1889, that his claims should be considered when it is found necessary to appoint a separate Patail to the hamlet. The Amildar also states that this Venkate Gowda is more competent influential and wealthy than the present Patail Chenne Gowda.

Sub 1d - Refs put up 25/8/92

5. I would, therefore, recommend that Venkate Gowda may be appointed to be the Patail of the Asli Village Chenne Gowda taking up the Patailii of the hamlet. If the Government sanction the proposals the exact amount of Potagi

payable to each of them will be settled.

I have the honor to be
Sir
Your most obed.t Serv.t

Deputy Commissioner
Hyderabad District

Comd.t Ath. MM

Koppal No 2222.

No 200

Office of the 2nd Asst & 21st Dist 91.
Commissr Mysore Dist
& Mysore 29th Nov 1891

6

To,
The Deputy Commissioner
Bellary

Sir,

I have the honor to bring to notice that in the Yedatore Taluk there is a village called Kestoor with a hamlet named Kestoor Koppul which is situate at a distance of about ½ a mile from the Asli village. The population and the number of cattle and the Jamabundi of each are given in the margin. From this it will be seen that the Koppul ranks higher in every respect than the Asli village and owing to the Expected cultivation of the large Kaval of Kachavanahalli the Koppul will become more important than it is now. During the last survey Settlement only one Patel was appointed for the two villages apparently on grounds of the one being the hamlet of the other and the proximity between the two. The Amildar begs to notice that the duties devolving on the Patel are multifarious in the Koppul and the duties connected with Government collections, repairs of Bandhs Etc: are necessarily onerous.

Under the circumstances the Amildar is of opinion that the appointment of a separate qualified Patel for

Village	Population	No. of Cattle	Jamabundi
Kestoor	721	1011	1377 · 13 · 3
Kestoor Koppul	820	1544	2140 · 14 · 10

Remarks.

Excluding Kachavanahalli Kaval Land which when brought under cultivation will be added to the Koppul

for the Kopppul is necessary.

In forwarding the above proposal for the sanction of Government I have the honor to state that the Amildar's recommendation for a separate Patel for the Kopppul appears very reasonable. Yadatore is essentially a "Jari" taluk in which wet cultivation is carried on to a large extent. Considering the population, Jamabundi and the duties devolving on the Patels, I quite agree with the Amildar in this recommendation.

This question has been under consideration since 1889 and the several Amildars who have been in Charge of the Taluk are of one opinion on the matter. I submit the Amildar's proposal for the orders of Government. The present "Katcha Potagi" of the two villages together is Rs 31 a year.

× Vernacular records will follow

I have the honor to be
Sir
Your most Obed.t Servant
Krishnajirao
2.d Gen.l Asst Commissioner
Alyssa Districts

The Patel gets Rs 31/8/- at present & it is not worth while to shift the Patelship till the Kamal is given up & cultivation is carried on.
21/12/91

Dec.r 4/12

Draft for approval

General Serial No. 300

189 2

From

The Chief Secretary
to the Dewan of Mysore.

To

The Deputy Commr
Mysore
Huseon Dist

LR 33-897

Dated 3/11/92

Despatched 7. ~~Feb~~ 92

Received

Enclosures No.

General No. 6266
Pet. No. 197-92

Appointing one Venkate Sowda as Patel of the Asali village of Kesture, Yedatore Taluk

---

References to be marked.

To the same No 3733 dt 26-8-92
P.T. 197-92

Read:—

Letter No. 259 of 14th June/92 from the Deputy Commr, Hiriyur Divn, recommending that Venkatagowda be appointed Patel of the Asali village of Kesluv, Hadalore Taluk, the present Patel Chennegowda taking up the Patelki of the Kothalu (hamlet), as the former is more competent, influential and wealthy than the latter.

Order thereon.

The Government have no objection to the arrangement proposed by the Deputy Commr, and it is accordingly sanctioned.

2. Venkatagowda must, however, be made to understand that his appointment is for life and not hereditary.

11/11/92
Draft

3/11
pr Chief Secretary

2/11.

To
The Deputy Commr
with vernl papers

LR 33-89-8

(General Serial No. 32)

1893.

No. 1952

Name of Petitioner. Channegouda Patel

Village. Kesture

Taluk. Yadatore

District. Mysore

Date of Arzi. 31/1/93

Date of Receipt. Do.

Date of Disposal.

No. of Enclosures. 1

Submitted with the proceedings connected with appeal No. 1116 of 1889 & the order of Govt. dated 3rd Nov. 1892

Venkatagowda was appointed to act as Patel of the smaller of the two villages, under special circumstances, for life only.

Petr is represented by an advocate

Posted 6/9/93

Adjourned to 7th Sept. 93.

m.s.

Govt see no reason to modify the order already issued.

30/9/93

ABSTRACT.

Petitioner is the hereditary Patel of Kesture and the Koppain (Hamlet) attached to it, and did the work of both the villages till 1892.

On the Dy Commrs recommendation Govt passed orders (in Proceedings No 6266/197-92 dt 7.11.92) to the effect that the two villages should have seperate Patels, that Petitioner should be the Patel of the Hamlet and one Venkatagowda that of Kesture

Petitioner states that the

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

two villages have been in the Survey clubbed into one, and the Potgi of the two is about Rs 48 and that the work of both the villages is not enough for one Patel; that Venkatejada is a stranger; and that there are many hakdars competent to hold the office.

Petitioner prays —

(1) that he may be confirmed in the office of Patel of both the villages and be ordered to discharge the duties of both of them

(2) or that one of the members of the hakdars' family may be appointed as Petitioner's gumasta.

P.V. 3/2

1 5 8

31-1-93

1952 R
31-1-93

Petition
31/1/93

Worshipful the Court of the Councillors
to His Highness the Maharaja of Mysore.

8

2/11/93

A.S. No 117
92-93

Petitioner

Chenna Gowda
Patel of Kesture, in
Yedatoray Taluk,
Mysore District

Counter Petitioner

Venkata Gowda
also residing in
the same village

The petitioner above named begs to state

1. The office of the Patel of the village of Kesture and Koppalu (Hamlet) attached to the said village have been hereditary in the family of the petitioner and that his father and grand-father discharged the duties of the said office during their life time.

II. After the death of his father Parvathe

your honour's petitioner was the Huguda
or right claimant to the said office of
both the villages and his name was
accordingly registered as Patal of both
the villages and an appeal the same was
Confirmed by your honours (on the 12th
of December 1889).

IV Since April 1889 to the 22nd day of Decem
ber 1892, your petitioner satisfactorily
discharged the duties of both the villages
and received the emoluments attached
to the same.

V. At the request of the Amildar of Yadatora
Tallook and against the protest of your
petitioner the present Deputy Commissioner
of the Mysore District recommended to
the Government that it was necessary to

to have two Patels one for the village of Kestur and another for the Koppalu or hamlet which the Government sanctions and your petitioner has been appointed Patel of the hamlet and one Venkata Gowda for the village of Kestur.

I All these arrangements have been made without proper enquiries and without Considering the correspondence that has passed between the Amildar and Mr. Nankal Rao the present Deputy Commr. predecessor and his order that it was unnecessary to have two Patals.

II The two villages have been in the Survey clubbed into one and the Potagi of both the villages is about Rs. 48-0-0 a year hardly enough to maintain one

IX. In the family of original Haqudars there are many members Competent to hold the office of the Patal-Chief amongst them being Mallanna who for upwards of twelve years discharged the duties of the Patal of Kestur.

X It is unjust and inequitable and opposed to the rules issued by the Chief Commissioner of Mysore in Circular No. 5 of 1872-73, and Mysore Land Revenue Rules page 21. that Competent persons in the family of Haqudars should be passed over and utter Strangers be brought in and put in their places without due enquiry by interested lower officers and officials.

In Connection with the Subject-matter of this petition, your honour's petitioner begs to point out that there are in Yadaloray Pallook the villages of (1) Hampapura (2) Bhandag-ere (3) Yadaloray (4) Saligram (5) Mirla that yield a revenue ranging from Rs. 7000 to Rs. 15000 a year and that for each of them there is only one Patal;

Under these circumstances your honour's petitioner prays

(1) That he may be Confirmed in the office of the Patal of Kesturand ordered to its Koppalu (hamlet) and discharge the duties of both of them.

or

(2) If that be not practicable to institute proper enquiries and appoint

ಕೋರ್ಟಿಗೆ.

ಸನ 1893 ನೇ ಇಸವಿ ನಂಬರ್

ವಾದಿ } ಪ್ರತಿವಾದಿ.

ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮೆ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ಅರ್ಜಿವಗೈರೆ ಕೊಟ್ಟು, ವಿವಾದಿಸಿ ಪೈಸಲ ಹೊಂದತಕ್ಕ ಬಗ್ಯೂ, ಮತ್ತು ನನಗೆಸಲ್ಲತಕ್ಕ ಡಿಕರಿನೊಬಲಗು ದಸ್ತೈಜು ವಗೈರೆ ತೆಗದು ಕೊಂಡು ರಸೀದಿಕೊಡುವದಕ್ಕೂ ಸಹಾ ತಮಗೆಅಧಿಕಾರಕೊಟ್ಟಿದ್ದೇನೆ, ಆದ್ದರಿಂದ ತಾವು ನನಗೋಸ್ಕರ ಕೋರ್ಟಿಗೆಹಾಜರಾಗಿ ನಡಿಸುವ ಎಲ್ಲಾಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆವಪ್ಪುತ್ತೇನೆ.

ಮತ್ತು ಕೋರ್ಟಿಗೆ ನೀವು ಕೊಟ್ಟ ಭತ್ತಾ ಶಿಲ್ಕು ತೆಗದುಕೊಳ್ಳುವದಕ್ಕೂ ಸಹಾ ನಿಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದೇನೆ.

ತಾರೀಖು 29 ನೇ ಇಸವಿ
ಸನ 1893 ನೇ ಇಸವಿ } ರುಜು.

ಅಂಗೀಕರಿಸಿರುತ್ತೇನೆ.
S. Subbaraja
Advocate

ಈ ಮೊಕ್ತ್ಯಾರ್‌ನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆಸರಜಿಯಸ್ಥರು ನನ್ನ ಸಮಕ್ಷವು ಇದಕ್ಕೆ ರುಜುಮಾಡಿ ಇದ್ದಾರೆ, ಆದ್ದರಿಂದ ನಾನು ಸರಟಸೈ ಮಾಡಿದ್ದೇನೆ. S. Subbaraja
Adv.

Printed by T. Raghava Char, Tholasee Thottum, Bangalore.

61

(General Serial No. 30.)

189

From

The Chief Secretary
to the Dewan of Mysore.

LR 33-89-9

To

Dy Commr.
Mysore Distt.

Dated 24th

Despatched 25 aug/93.

Received

Enclosures No. 2nd

General No. 3733

P.S. No. 197-92

References to be marked.

From the same 217 928-8-9B.

Mysore Govt. C. Press, Bangalore.—9-1-93.—3,000.

To.

The Deputy Commissioner
Mysore District

Has the honour to request
that the Vernacular Proceedings
returned with ~~this office~~ Govt Order No 6266
P.T. No 197-92
dated 3rd November 92 may
be retransmitted to this office
before the end of this month
for reference in connection
with the petition of Hemmegowda
of Kesturu, Yedatora Taluq,
for a review of the orders
passed in Govt. Order No. 6266 dated 28 Nov 1992
the ~~Govt~~ Order above quoted
By order

Draft

MRK 24/8/93
for Chief Secretary.

16

No. 217
Ins. Vernacular records - 3

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,

Dated Mysore 28th August 1893.

(11)

From

K Mahamed Ali Saqueir
offg *Deputy Commissioner,*
Mysore District.

To

The Chief Secretary to the Dewan of Mysore,

SIR,

With reference to your docket No 3733/197 dated 24th Instant requesting to transmit the Vernacular Correspondence in Connection with the petition of Chenne gowda of Kesboor Yedahore Taluk, I have the honor to re-transmit the entire Vernacular Correspondence ending with Yedahore Taluk Amildar's report No 594/811 dated 4th February 1893 as directed.

I have the honor to be
Sir
Your most obedient Servant
K. Saqueir
for offg Commissioner
Mysore District